

**REMARKS/ARGUMENTS:**

Claims 1 - 27, 29 - 31 and 33 - 54 are currently pending in the application, with claims 1, 24, 43 and 52 being independent. Claims 1, 24, 25, 26, 27, 29 and 52 are currently amended. Claims 28 and 32 are canceled. Claim 54 is added. No new matter has been added.

Independent claim 1 is currently amended to recite that the legs are received in the sockets for use of the floating amphibious table on land and the legs are removed from the sockets for use of the floating amphibious table in water.

**CLAIM REJECTION UNDER 35 U.S.C. § 112 (SECOND PARAGRAPH)**

Claims 8 and 24 - 51 are rejected under 35 U.S.C. § 112 (second paragraph) because claims 8, 24 and 43 allegedly fail to recite sufficient structural elements and interconnection of the elements to positively position and define how the continuous groove in the upper surface separates the inner portion from the outer portion.

Independent claim 24 is currently amended to remove the groove recitation. Therefore, the 35 U.S.C. § 112 (second paragraph) rejection is moot with respect to claims 24 - 42.

As clearly shown in FIG. 1, the continuous groove 25 separates the outer and inner portions of the upper surface 31 of the floating amphibious game table 11. As described in paragraph [0017] of the specification, the groove 25 receives game pieces or cards. Thus, the continuous groove defines an area within the groove that corresponds to the inner portion and an area outside the groove corresponding to the outer portion. The drawings clearly show the continuous groove separating the upper surface into inner and outer portions. Therefore, the scope of the claim is clear and precise, and the rejection of claims 8 and 43 - 51 under 35 U.S.C. § 112 (second paragraph) should be withdrawn.

**CLAIM REJECTION UNDER 35 U.S.C. § 102(b)**

Claims 1, 2, 3, 6, 12, 13, 14, 15 and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,687,092 to Manning. Applicant respectfully traverses this rejection.

Amended independent claim 1 recites, inter alia, a floating amphibious table in which a plurality of legs are received in a plurality of sockets in the lower surface of the table when the table is used on land and the legs are removed from the sockets when the table is used in water.

The Manning patent clearly does not disclose, teach or suggest all the limitations of claims 1, 2, 3, 6, 12, 13, 14, 15 and 22.

U.S. Patent No. 3,687,092 to Manning (the Manning patent) discloses a table 10 having an upper surface 11, a plurality of upper openings 14, a plurality of lower openings 20 and a plurality of legs 25 adapted to be received by the plurality of lower openings. The lower openings 20 have an inwardly tapered inner surface and the legs 25 have an outwardly tapered outer surface to firmly secure the legs within the openings. A molding opening 16 centrally located in the upper surface of the table permits forming of the radially extending ribs radially outward therefrom.

The Manning patent does not show a floating amphibious game table. Moreover, if the table of the Manning patent is used in water, it would be unstable for use as a floating amphibious table. There is no disclosure or suggestion of using the Manning table on both land and in water, as recited in independent claim 1. Lacking the amphibious characteristic of the invention recited in independent claim 1, the Manning patent does not disclose all the elements recited in claim 1. To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference." Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Since an amphibious table is not taught or suggested in the Manning patent, independent claim 1 is not anticipated by the Manning patent.

Furthermore, independent claim 1 recites a plurality of legs being received in the sockets for use in land and the plurality of legs being removed from the sockets for use in water. The Manning patent does not disclose removal of the table legs when using the table in water. Moreover, the sockets 20 of the Manning patent form deep air pockets on the underside of the table. There is no disclosure or suggestion of using the Manning table in water, because it would be unstable since the air pockets that would form in the sockets 20 if the Manning table were used in water would make the Manning table unstable in water,

thereby preventing the Manning table from functioning in a water environment. Once the table lists, such as when someone leans on the table, water would start to fill the air pockets, thereby causing the table to become unstable and list toward the pocket filling with water until the table is essentially submerged. Additionally, the molding hole in the Manning patent is not watertight, thereby also teaching away from using the table of the Manning patent in water. Therefore, removing legs from the sockets for use of the floating amphibious table in water as recited in claim 1 is not suggested by or obvious in view of the cited Manning patent.

Therefore, the Manning patent does not disclose nor render obvious the features of Applicants' invention recited in independent claim 1. Since the Manning patent does not disclose, teach, or suggest all of the limitations in amended independent claim 1, Applicants submit that claim 1 is allowable.

Claims 2, 3, 6, 12, 13, 14, 15 and 22, being dependent upon independent claim 1, respectively, are also allowable for the above reasons. Moreover, claims 2, 3, 6, 12, 13, 14, 15 and 22 are not anticipated nor rendered obvious by the cited patent, particularly within the overall claimed combination. For example, the plurality of lower openings being substantially superposed with the plurality of upper openings of claim 3; the plurality of resilient tabs adapted to receive the plurality of legs when not received by the lower openings of claim 4; the upper surface having an inner portion higher than the outer portion of claim 7; and the base member being substantially hollow of claim 10 are not anticipated or rendered obvious by the cited patent, particularly within the overall claimed combination.

#### **CLAIM REJECTION UNDER 35 U.S.C. § 103**

Claims 10, 11, 18, 19, 20, 23, 52 and 53 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Manning patent. Claim 4, 5, 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Manning patent in view of U.S. Patent No. 4,011,821 to Neal (the Neal patent). Claims 7, 9 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Manning patent in view of U.S. Patent No. 6,595,143 to London (the London patent). Applicant respectfully traverses these rejections.

The Manning patent clearly does not disclose, teach or suggest all the limitations of amended independent claim 1, as discussed above. The Neal patent is cited for disclosing

storage means for removed legs on the underside of the table, as shown in FIGS. 4 and 5. The London patent is cited for disclosing an inner portion of the table being higher than an outer portion, as shown in FIG. 1.

As discussed above, the Manning patent does not disclose nor render obvious the features of Applicants' invention recited in independent claim 1. Neither the Neal nor the London patents cure the deficiencies noted above regarding the absence of a floating amphibious table and the lack of a plurality of legs being received in the sockets for use in land and the plurality of legs being removed from the sockets for use in water. Therefore, the Manning patent in combination with the Neal or London patents do not disclose nor render obvious the features of Applicants' invention recited in amended independent claim 1. Since the Manning patent in combination with the Neal or London patents do not disclose, teach, or suggest all of the limitations in amended independent claim 1, Applicants submit that claim 1 is allowable.

Claims 2 - 23, being dependent upon amended independent claim 1, respectively, are also allowable for the above reasons. Moreover, claims 2 - 23 are not anticipated nor rendered obvious by the cited patents, particularly within the overall claimed combination. For example, the plurality of lower openings being substantially superposed with the plurality of upper openings of claim 3; the plurality of resilient tabs adapted to receive the plurality of legs when not received by the lower openings of claim 4; the upper surface having an inner portion higher than the outer portion of claim 7; and the base member being substantially hollow of claim 10 are not anticipated or rendered obvious by the cited patent, particularly within the overall claimed combination.

Independent claim 52 recites, inter alia, attaching a plurality of legs to the floating amphibious game table for use on land, removing the legs from the table, and floating the game table to use the table in water. As discussed above with regard to independent claim 1, neither the floating amphibious game table nor the removing legs to use the table in water features of the invention are disclosed in the Manning patent. Therefore, the Manning patent does not disclose nor render obvious the features of Applicants' invention recited in independent claim 52. Since the Manning patent does not disclose, teach, or suggest all of the limitations in independent claim 52, Applicants submit that claim 52 is allowable.

Claim 53, being dependent upon independent claim 52 is also allowable for the above reasons. Moreover, claim 53 is not anticipated nor rendered obvious by the cited patent, particularly within the overall claimed combination. For example, positioning beverage containers in a plurality of upper openings in the upper surface of the game table of claim 53 is not anticipated or rendered obvious by the cited patent, particularly within the overall claimed combination.

**AMENDED INDEPENDENT CLAIM 24**

Independent claim 24 is currently amended, inter alia, to recite that an enclosed space between the upper and lower surfaces of the base member is substantially hollow over a majority of the base member. The hollow nature of the base member results in a stable, more buoyant table suited for use on both land and in water.

U.S. Patent No. 3,687,092 to Manning does not disclose a table having a base member that is substantially hollow over a majority of the base member. As shown in FIGS. 3 and 4 of the Manning patent, the table top 11 is solid. Empty space is provided in each of the leg sockets 20 when the legs 25 have been removed. However, if one was to attempt to use the Manning table in water (although no such disclosure or suggestion of such use is provided in the Manning patent), it would be revealed that the Manning table is extremely unstable and not suited for use in water. Air pockets would form in the open leg sockets 20, and as the table began to move, water would start to displace the air in the sockets. As water would unevenly displace the air in each of the sockets, the solid table of the Manning patent would list toward the socket that is most filled with water, thereby providing an unstable table because it is not as buoyant as Applicants' hollow table. Therefore, due to such instability, one would not look to the teachings of the Manning patent for a floating amphibious table having a base member that is substantially hollow over a majority of the base member. The hollowness of the base member of Applicants' invention, as recited in amended independent claim 24, provides a more buoyant, stable, floating amphibious table that tends to return to a stable position during movement when used in water.

Therefore, amended independent claim 24 is allowable over the Manning patent. Moreover, none of the cited references cures the above-discussed deficiencies of the Manning

Application No. 10/616,510  
Amendment Dated December 21, 2004  
Reply to Office Action of August 23, 2004

patent. Therefore, amended independent claim 24 and dependent claims 25 – 27, 29 – 31, and 33 - 42 are allowable over the cited references.

**Allowable Subject Matter**

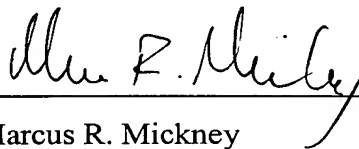
Applicants note with appreciation that claim 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the § 112 (second paragraph) rejection discussed above.

Applicants also note with appreciation that claims 24 - 51 would be allowable if rewritten or amended to overcome the § 112 (second paragraph) rejection discussed above. As noted above, Applicants submit that the § 112 (second paragraph) rejection is improper with regard to claims 43 – 51. The groove recitation has been removed from independent claim 24, and thus dependent claims 25 – 27, 29 – 31, and 33 - 42. Therefore, claims 43 – 51 are allowable as they now stand.

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In view of the foregoing comments, Applicant respectfully submits that claims 1 - 27, 29 – 31 and 33 - 54 are allowable over the cited patents. Prompt and favorable action is solicited.

Respectfully Submitted,



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Dated: DEC. 21, 2004